

BILL ANALYSIS

C.S.S.B. 281

By: Estes

Natural Resources

Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Red River Authority (RRA) was created in 1959 by the 56th Legislature with the mission of conservation, reclamation, protection, and development of the water resources throughout the Red River Basin for the benefit of the public. RRA provides potable drinking water for approximately 10,000 people in 15 counties but there is no surface water left to develop within the rural areas of RRA. For this reason RRA would like to develop groundwater resources, a common trend for river authorities in Texas. Being able to develop and purchase groundwater rights ensures the long-term availability of the resource.

RRA's territorial jurisdiction encompasses all or part of 43 Texas counties within the watershed of the Red River and its tributaries. Considering that RRA's jurisdictional territory is so large, the nine-member board would like to hold meetings by telephone conference call, videoconference call, or through communications over the Internet. The ability to meet via these means is permitted with other large river authorities and would be a cost-effective tool for RRA. The meetings must still be held in accordance with procedures provided by the Open Meetings Act, Chapter 551 of the Government Code. This is not intended to be a substitute to its normal quarterly meetings but to be used primarily for special meetings called on short notice, meetings during extreme weather condition or emergency meetings.

This legislation allows RRA to develop groundwater and to hold meetings by alternative means such as videoconference call or telephone conference call.

As proposed, C.S.S.B. 281 amends current law relating to the administration and powers of the Red River Authority of Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, by adding Section 7a as follows:

Sec. 7a. Authorizes the Authority's Board of Directors or a Board committee to hold a meeting by telephone conference call, by video conference call, or through communications over the Internet, in accordance with procedures provided by Subchapter F, Chapter 551, Government Code, if holding the meeting in that way is determined to be necessary or convenient by the Board president or any three Board members.

SECTION 2. Amends Section 19, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as follows:

Sec.19. Provides that said Authority is required to have and is authorized to exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and

facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said Authority of lands, rights-of-way, surface water rights, groundwater rights, if purchased, as provided by Section 19a, rather than water rights alone, and all other properties, tenements, easements and all other rights incident, helpful to, or in aid of carrying out the purposes of said Authority as herein defined; provided, however, that said Authority is prohibited from engaging in the generation or distribution of electric power except as provided by Section 14b of this Act. Prohibits the right of eminent domain from being exercised or extend beyond the boundaries of this District.

SECTION 3. Amends Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, by adding Section 19a as follows:

Sec. 19a. Authorizes the Authority to purchase groundwater rights in a county in the Authority's territory only if the commissioners court of the county approves the purchase of groundwater rights by the Authority in the county.

SECTION 4. Amends Section 25, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as follows:

Sec. 25. Requires that nothing in this Act be construed as authorizing the Authority to acquire or regulate, rather than acquire, regulate or control in any way, underground water or underground water rights by condemnation or regulate, rather than by condemnation or purchase or otherwise or to develop, regulate or control, the use of underground water resources in any manner

Strikes a provision stating that this Act is intended to govern and shall be construed to govern and apply to surface water only.

SECTION 5. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2013.

COMPARISON OF ORIGINAL TO SUBSTITUTE

INTRODUCED

SECTION 1. Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended by adding Section 7A to read as follows:

Sec. 7A. The Authority's Board of Directors or a Board committee may hold a meeting by telephone conference call, by videoconference call, or through communications over the Internet, in accordance with procedures provided by Subchapter F, Chapter 551, Government Code, if holding the meeting in that way is determined to be necessary or convenient by the Board president or any three Board members.

SECTION 2. Section 19, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

Sec. 19. Said Authority shall have and may exercise such functions, powers, authority, rights and duties as may permit the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 19, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

Sec.19. Said Authority shall have and may exercise such functions, powers, authority, rights and duties as may permit the

accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said Authority of lands, rights-of-way, groundwater and surface water rights and all other properties, tenements, easements and all other rights incident, helpful to, or in aid of carrying out the purposes of said Authority as herein defined; provided, however, that said Authority shall not engage in the generation or distribution of electric power except as provided by Section 14b of this Act. The right of eminent domain shall not be exercised or extend beyond the boundaries of this District.

No equivalent provision.

SECTION 3. Section 25, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:
Sec. 25. Nothing in this Act shall be construed as authorizing the Authority to acquire[, ~~regulate or control in any way~~] underground water or underground water rights by condemnation [or ~~purchase or otherwise or to develop, regulate or control the use of underground water resources in any manner. This Act is intended to govern and shall be construed to govern and apply to surface water only~~].

SECTION 4. This Act takes effect January 1, 2014.

accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said Authority of lands, rights-of-way, surface water rights, groundwater rights, if purchased, as provided by Section 19a, and all other properties, tenements, easements and all other rights incident, helpful to, or in aid of carrying out the purposes of said Authority as herein defined; provided, however, that said Authority shall not engage in the generation or distribution of electric power except as provided by Section 14b of this Act. The right of eminent domain shall not be exercised or extend beyond the boundaries of this District.

SECTION 3. Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended by adding Section 19a to read as follows:

Sec. 19a. The Authority may purchase groundwater rights in a county in the Authority's territory only if the commissioners court of the county approves the purchase of groundwater rights by the Authority in the county.

SECTION 4. Section 25, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:
Sec. 25. Nothing in this Act shall be construed as authorizing the Authority to acquire or[~~;~~] regulate [~~or control in any way~~] underground water or underground water rights by condemnation or [~~purchase or otherwise or to develop,~~] regulate [~~or control~~] the use of underground water resources in any manner [~~. This Act is intended to govern and shall be construed to govern and apply to surface water only~~].

SECTION 5. Same as introduced version.